

**Minutes
Williamson County
Board of Zoning Appeals
May 25, 2006**

Members Present

Dave Ausbrooks, Chairman
Don Crohan
Steve Wherley
Sue Workman

Staff Present

Lee Sanders
Linda Hodges
Brenda Midgett
Bobby Cook, County Attorney

The Williamson County Board of Zoning Appeals met in regular session on May 25, 2006, in the Auditorium of the Williamson County Administrative Complex. Chairman Dave Ausbrooks opened the meeting with a public statement that he read stating that the Board of Zoning Appeals is made up of five citizens nominated as Board members by the County Mayor. One member is a Planning Commissioner, one member may be a County Commissioner and the remaining members are not otherwise connected with County Government. He went on to say the Board will hear from anyone who has anything to say to the Board relevant to the request at hand. However, the Board will not view or hear anything that does not have direct bearing on the item being heard. He requested that all comments be addressed to the Board.

Chairman Ausbrooks then asked the members to consider the minutes. Don Crohan made the motion to approve the minutes of the April 27, 2006, meeting as printed, and Sue Workman seconded the motion. The motion was unanimously approved.

ITEM 1

A request by Gary Grau of Grau General Contracting, LLC (Gary and Kathleen Rajcula property owners) for a front setback variance to allow a porch at 4403 Bagsby Lane. The property is zoned Suburban Estate and is located in the 3rd district.

Linda Hodges read the staff report, and reviewed the background (see agenda report). The overhead projector was utilized to view the tax map and site plan. Lee Sanders indicated to the Board the location of the proposed porch. He stated that the house once had a stoop that was later converted into an unpermitted porch. Mr Sanders stated the old porch became unstable and was removed and now the applicant wants to build a new porch onto the house. He stated that according to the mortgage loan inspection, the house has a 99' front setback. Mr. Sanders stated that if the porch is roofed, it must meet the setbacks.

Gary Rajcula, (property owner) and Gary Garu, (contractor), represented the item. Mr. Rajcula presented to the Board and staff a report stating the reasons for his request along with photos of the house showing the old porch. Mr. Rajcula stated the old porch was a safety concern and he was unsure of the definition of where to measure setbacks.

At this time, the Board took a few minutes to read Mr. Rajcula remarks regarding his request.

Mr. Grau stated he had included a letter with the application regarding the request. He noted to the Board he wasn't aware of the need for a variance until after moving the septic tank at a considerable cost.

Chairman Ausbrooks opened the meeting for public hearing.

There being no one to speak, Chairman Ausbrooks closed the public hearing and opened the floor to the Board for discussion.

Chairman Ausbrooks discussed the definition of setbacks from the property line and asked staff how far back the house is located from the front setback.

Mr. Sanders stated it was shown on the mortgage loan survey at 99', but measured 100' in the field to the closest corner of the house.

Sue Workman asked staff if old porch was ever approved.

Mr. Sanders stated no. He pointed out to the Board two property assessment cards that was in their package. He stated the house was originally built as permitted with a small stoop. Then, a front porch was added without a permit and it encroached the front setback and was poorly constructed.

Don Crohan asked staff to explain why the septic was moved before the porch was reviewed for a variance.

Mr. Sanders explained the procedures for issuing a permit. He stated that for the past few years, setbacks have not been placed on the zoning certificate until the permit was ready for issue.

Chairman Ausbrooks stated he felt the applicant did all he could with what information he was given.

Steve Wherley asked staff if there was a difference between an awning and a roof.

Lee Sanders stated not if it is permanent. He stated when the structure is roofed it becomes a part of the house and must meet setbacks. Mr. Sanders informed the Board this is a small house and does need a porch for aesthetics.

Mr. Rajcula stated a nearby house has a front porch and is only 30' off the road. He stated a porch would not be out of character with the neighborhood.

Chairman Ausbrooks noted the zoning certificate application did not have setback requirements listed when it was obtained.

Don Crohan made a motion to approve the request, amounting to a 9' front setback variance under Section 6200 A and 9601. He stated, considering the confusion with the application the applicant complied with everything in good faith and due to unusual hardship, he would move to grant the variance with the condition that the porch cannot be enclosed. Sue Workman seconded the motion. Motion was approved by unanimous voice vote.

There being no further business to come before the Board, meeting was adjourned.

Secretary's Signature

Date